

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

AUG 10 AM 10:47

FBI INDIANA DISTRICT

MINNIE K. AUGUSTINOVICH

Plaintiff,

-vs-

NCO FINANCIAL SYSTEMS, INC.

Defendant.

Case No.:

2 11 CV 289

NOTICE OF REMOVAL

Defendant and Petitioner for Removal, NCO Financial Systems, Inc. (hereinafter referred to as "NCO"), by counsel, and with reservation of all rights, hereby removes from the Porter Superior Court, Porter County, Indiana, the proceeding entitled and captioned *Minnie Augustinovich v. NCO Financial Systems, Inc.*, Cause No. 64 DO5-1107-CT-6452, on the basis of federal question jurisdiction.

The Removal Notice is based on the following grounds:

1. This is a civil action, filed on or about July 12, 2011, in which Plaintiff alleges causes of action arising under, *inter alia*, the federal Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* See *Plaintiff's Complaint*, ¶ 1. The FDCPA vests the federal district courts with jurisdiction, stating that "[a]n action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of

competent jurisdiction, within one year from the date on which the violation occurs.” 15
U.S.C. § 1692k.

2. The United States district courts therefore have original jurisdiction over such claims under 28 U.S.C. §1331. Accordingly, this Court has federal question removal jurisdiction under 28 U.S.C. §1441(b).

3. Under 28 U.S.C. §1367(a), to the extent Plaintiff’s pleading seeks additional relief under Indiana state law for alleged violations, this Court has supplemental jurisdiction over all such remaining pendent State claims because that claim is so related to the federal claim they form part of the same case or controversy under Article III of the United States Constitution.

4. Venue is proper in this district and division as the Porter Superior Court for Porter County in the State of Indiana, the court in which this action was filed, is within the Northern District of Indiana.

5. Process in *Minnie K. Augustinovich v. NCO Financial Systems, Inc.*, was served or the Complaint setting forth the claim for relief upon which this notice is based was otherwise first received by NCO on July 18, 2011, which was not more than thirty (30) days before the filing of this *Notice of Removal*, and this *Notice of Removal* is being filed within one year of the date suit was first filed in State court in compliance with 28 U.S.C. § 1446(b)(“If the case stated by the initial pleading is removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or

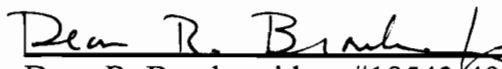
otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be first be ascertained that the case is one which is or has become removable . . .”).

6. Attached and made part of this filing are copies of all process, pleadings and orders served upon NCO. *See* Exhibit “A.” The corporate disclosure statement is attached hereto as Exhibit “B”. A copy of this notice is also concurrently being filed with the State court and served upon Plaintiff’s counsel.

WHEREFORE, petitioner for removal and defendant NCO Financial Systems, Inc., by counsel, based on this Court’s original federal question jurisdiction, respectfully requests that this case proceed in this Court as an action properly removed from the Porter Superior Court, Porter County, Indiana.

Respectfully Submitted,

FROST BROWN TODD LLC


Dean R. Brackenridge, #1854349
Attorney for NCO Financial Systems, Inc.

CERTIFICATE OF SERVICE

I certify that on this 9th day of August, 2011, a copy of the foregoing **Notice of Removal** was sent to the plaintiff's counsel at the below address via U.S. Mail, postage pre-paid.

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